

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

JOEL EICHENHOLTZ, Individually and On  
Behalf of All Others Similarly Situated,

Plaintiff,

v.

VERIFONE HOLDINGS, INC., DOUGLAS  
G. BERGERON, and BARRY  
ZWARENSTEIN,

Defendants.

Case No. C 07-6140 MHP

**STIPULATION AND [PROPOSED]  
ORDER CONSOLIDATING RELATED  
CASES**

Judge: The Hon. Marilyn H. Patel  
Courtroom: 15

PETER LIEN, Individually and On Behalf of  
All Others Similarly Situated,

Plaintiff,

v.

VERIFONE HOLDINGS, INC., DOUGLAS  
G. BERGERON, and BARRY  
ZWARENSTEIN,

Defendants.

Case No. C 07-6195 JSW

BRIAN VAUGHN and MIRIAM LOGAN,  
On Behalf of Themselves and All Others  
Similarly Situated,  
  
Plaintiffs,  
  
v.  
  
VERIFONE HOLDINGS, INC., DOUGLAS  
G. BERGERON, and BARRY  
ZWARENSTEIN,  
  
Defendants.

Case No. C 07-6197 VRW

ALBERT L. FELDMAN and ELEANOR  
JEAN FELDMAN, Individually and On  
Behalf of All Others Similarly Situated,  
  
Plaintiff,  
  
v.  
  
VERIFONE HOLDINGS, INC., DOUGLAS  
G. BERGERON, and BARRY  
ZWARENSTEIN,  
  
Defendants.

Case No. C 07-6218 MMC

DONALD CERINI, Individually and On  
Behalf of All Others Similarly Situated,  
  
Plaintiff,  
  
v.  
  
VERIFONE HOLDINGS, INC., DOUGLAS  
G. BERGERON, and BARRY  
ZWARENSTEIN,  
  
Defendants.

Case No. C 07-6228 SC

WESTEND CAPITAL MANAGEMENT  
LLC, Individually And On Behalf of All  
Others Similarly Situated,

Plaintiff,

v.

VERIFONE HOLDINGS, INC., DOUGLAS  
G. BERGERON, and BARRY  
ZWARENSTEIN,

Defendants.

Case No. C 07-6237 MMC

KURT HILL, On Behalf of Himself and All  
Others Similarly Situated,

Plaintiff,

v.

VERIFONE HOLDINGS, INC., DOUGLAS  
G. BERGERON, and BARRY  
ZWARENSTEIN,

Defendants.

Case No. C 07-6238 MHP

DANIEL OFFUTT, Individually and On  
Behalf of All Others Similarly Situated,

Plaintiff,

v.

VERIFONE HOLDINGS, INC., DOUGLAS  
G. BERGERON, and BARRY  
ZWARENSTEIN,

Defendants.

Case No. C 07-6241 JSW

EDWARD FEITEL, on behalf of himself and  
all others similarly situated,

Plaintiff,

v.

VERIFONE HOLDINGS, INC., DOUGLAS  
G. BERGERON, and BARRY  
ZWARENSTEIN,

Defendants

Case No. C 08-0118 CW

Pursuant to Fed. R. Civ. P. 16(d), Civil L.R. 23-1(b), and the Manual for Complex Litigation, Fourth §§ 11.12, 11.21, and 31 (2004), the parties stipulate, and the Court hereby orders, as follows:

### CONSOLIDATION OF RELATED CASES

1. The following nine actions arise out of the same transactions and occurrences and involve the same or substantially similar issues of law and/or fact, and, therefore, are related cases within the meaning of Civil L.R. 3-12:

Abbreviated Case Name	Case Number	Date Filed
<i>Eichenholtz v. VeriFone Holdings, Inc. et al.</i>	C 07-6140 MHP	12/04/07
<i>Lien v. VeriFone Holdings, Inc. et al.</i>	C 07-6195 JSW	12/06/07
<i>Vaughn et al. v. VeriFone Holdings, Inc. et al.</i>	C 07-6197 VRW	12/06/07
<i>Feldman et al. v. VeriFone Holdings, Inc. et al.</i>	C 07-6218 MMC	12/07/07
<i>Cerini v. VeriFone Holdings, Inc. et al.</i>	C 07-6228 SC	12/10/07
<i>Westend Capital Management LLC v. VeriFone Holdings, Inc. et al.</i>	C 07-6237 MMC	12/10/07
<i>Hill v. VeriFone Holdings, Inc. et al.</i>	C 07-6238 MHP	12/10/07
<i>Offutt v. VeriFone Holdings, Inc. et al.</i>	C 07-6241 JSW	12/11/07
<i>Feitel v. VeriFone Holdings, Inc., et al.</i>	C 08-0118 CW	01/07/08

2. Pursuant to Fed. R. Civ. P. 42(a), the above-listed cases are hereby reassigned to United States District Judge Marilyn H. Patel and consolidated into Civil Action C 07-6140 MHP for pretrial proceedings before this Court. The consolidated action shall be captioned: “*In re VeriFone Holdings, Inc. Securities Litigation.*”

3. All related actions that are subsequently filed in, or transferred to, this District shall be consolidated into this action for pretrial purposes. This Order shall apply to every such related

1 action, absent order of the Court. A party that objects to such consolidation, or to any other provision of  
 2 this Order, must file an application for relief from this Order within thirty (30) days after the date on  
 3 which a copy of the order is mailed to the party's counsel.

4 4. This Order is entered without prejudice to the rights of any party to apply for  
 5 severance of any claim or action, for good cause shown.  
 6

#### 7 **MASTER DOCKET AND CAPTION**

8 5. The docket in Civil Action No. C 07-6140 MHP shall constitute the Master  
 9 Docket for this action.

10 6. Every pleading filed in the consolidated action shall bear the following caption:

11 UNITED STATES DISTRICT COURT

12 NORTHERN DISTRICT OF CALIFORNIA

13 IN RE VERIFONE HOLDINGS, INC. ) Master File No.  
 14 SECURITIES LITIGATION ) C 07-6140 MHP  
 15 ) **CLASS ACTION**

16 This Document Relates To: )  
 17 )  
 18 )  
 19 )  
 20 )  
 21 )  
 22 )  
 23 )  
 24 )  
 25 )  
 26 )  
 27 )  
 28 )

7. The file in Civil Action No. C 07-6140 MHP shall constitute a Master File for  
 every action in the consolidated action. When the document being filed pertains to all actions, the  
 phrase "All Actions" shall appear immediately after the phrase "This Document Relates To:." When a  
 pleading applies only to some, but not all, of the actions, the document shall list, immediately after the  
 phrase "This Document Relates To:," the docket number for each individual action to which the  
 document applies, along with the last name of the first-listed plaintiff in said action (*e.g.*, "No. CV 07  
 6140 (Doe)").

8. The parties shall file an Administrative Motion to Consider Whether Cases Should be Related, pursuant to Civil L.R. 3-12, whenever a case that should be consolidated into this action is filed in, or transferred to, this District.

## PLEADINGS AND MOTIONS

9. Defendants are not required to respond to the complaint in any action consolidated into this action, other than a consolidated complaint or a complaint designated as the operative complaint.

10. The consolidated complaint shall be the operative complaint and shall supersede all complaints filed in any of the actions consolidated herein.

11. Following the appointment of Lead Plaintiff in this action and the filing of the consolidated complaint, Defendants shall respond to the consolidated complaint within sixty (60) days after service, unless otherwise agreed upon by the parties.

Dated: January 18, 2008

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1 *I, Brendan P. Cullen, am the ECF user whose User ID and Password are being used to*  
2 *file this STIPULATION AND [PROPOSED] ORDER CONSOLIDATING RELATED CASES. In*  
3 *compliance with General Order 45, X.B, I hereby attest that the other signatories listed have concurred*  
4 *in this filing.*

5 Dated: January 18, 2008

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Attorneys for Edward Feitel

**ORDER**

THE FOREGOING STIPULATION  
IS APPROVED AND IS SO ORDERED.

Dated: \_\_\_\_\_

\_\_\_\_\_  
THE HONORABLE MARILYN PATEL  
UNITED STATES DISTRICT JUDGE